

University of Alberta

Faculty of Law

As we are about to embark on a new and very exciting academic year, I would like to take this opportunity, through our *Dean's Newsletter*, to inform you of some of the up-coming events and happenings at the faculty and to invite your full participation and support.

We are coming off a great year! Both our *Holocaust: Arts/Politics/Law* and *Creating Change* conferences were enormous successes, and Professors Ted DeCoste and Shannon O'Byrne are presently involved in finalizing the scholarly publications which will be emanating from these world class conferences. We inaugurated the annual *Tevie H. Miller Teaching Excellence Award* with the generous sponsorship of the *Friends of the Faculty of Law*. The first recipient of the award was Dr. Richard Bauman. We were honoured with the visits of several distinguished guests, including among others Judge Albie Sachs of the Constitutional Court of the Republic of South Africa, the Honourable Dullah Omar, Minister of Justice of the Republic of South Africa, Chief Justice Antonio Lamer, and of course our very own Minister of Justice Anne McLellan.



James Matkin, Q.C. ('68), Dean Lewis Klar and Dr. Ivan Head ('52) at the Vancouver Alumni and Friends Reception

The new academic year brings us more good things. By the time you are reading this, all of our major construction projects will have been completed. The Eldon Foote Moot Courtroom, McLennan Ross Hall, and the Brenda and David McLean Reading Room will be fully furnished and operational. Please drop by the faculty and take a look at these magnificent additions to our building. They will provide our students with excellent teaching resources and extend our computer connectivity by approximately 300 new stations.

We are also pleased to report that for the first time in many years, the Faculty of Law has gained a new full time tenure track position. In addition, due to the generous support of our alumni and friends, you will see that we have been able to invite several distinguished scholars to the faculty to participate in our teaching and research activities. The new *Canadian Forum on Civil Justice* will be fully operational, with the formation of a Board of Directors and the engagement of an Executive Director. We will be participating in the organization and sponsorship of two major conferences this Fall, one on the Commercialization of Genetic Research and the second on Universal Rights and Human Values. These conferences will attract internationally acclaimed scholars and dignitaries to our faculty, and I encourage all of you who can to take full advantage of the opportunity to attend the sessions.

Another very significant event for all of us will be the Tribute Dinner to honour the life and work of the late Justice D.C. McDonald. A true and committed friend of our faculty and his community, David is a person who we all deeply miss. I know how positively David felt about this faculty and how much he contributed to its life over the years. Please join us in remembering David by attending the dinner if you can.

One of our most important projects has been the creation of our new Alumni and Friends Association. This signals our sincere interest and desire to reconnect with you, to find out what you are doing, and to encourage you to participate with us and your fellow alumni and friends in the continuing building of our great institution. You will see that there are a number of individual class reunions being held this year, culminating in an open invitation to all alumni to visit with us on Saturday, October 3, 1998, at the Faculty of Law and to attend the Gala Dinner and Dance that evening. It would be wonderful to see you.

Lewis Klar
Dean of Law

Comings and Goings

The 1998-99 academic year is shaping up to be a particularly busy and intellectually stimulating period. In addition to the two international conferences, the D.C. McDonald Tribute Dinner, and an expanded visiting speakers seminar series, we have visitors from around the world coming to the Law Centre. We are also very pleased to announce the appointment of several new academic staff members as well as a new Director for the Canadian Forum on Civil Justice.

Robert Chambers has been appointed Associate Professor effective January 1, 1999. He obtained his B.Ed. and LL.B. from the University of Alberta and his D.Phil. from Oxford. He was appointed as Lecturer at the University of Melbourne Law School in 1996, and was promoted to Senior Lecturer in 1998. He has taught courses in trusts, equity and property law, and is the author of *Resulting Trusts* (Oxford University Press, 1997). He will be teaching Company Law and Restitution in the 1998-99 academic year.

Diana Lowe has been appointed Executive Director of the Canadian Forum on Civil Justice. She obtained her B.A. and LL.B. from this University and her LL.M. from the University of Edinburgh. She has practised law in Alberta and British Columbia, and has worked as a staff lawyer for the Legal Services Society of B.C. since 1993.

Graeme Barry has been appointed to a one year term during which he will teach Administrative Law and Constitutional Law. He obtained his B.A. and LL.B. from the University of New Brunswick, his M.A. in political science from the University of Toronto, and his LL.M and D.Jur. from Osgoode Hall Law School. His areas of specialization are constitutional law, administrative law, judicial politics, federalism and legal history, and will be assisting with the coaching of The Laskin Moot team.

Barbara Billingsley, who has taught as a sessional instructor since 1995 will be joining the Faculty on a one year term position. She holds an LL.B. and LL.M. from this University. Her 1994 thesis was entitled *Direct Democracy: What Legislative Role Can and Should Direct Votes Play in Canada*. She has practised law in Edmonton primarily in the areas of insurance litigation, constitutional litigation and municipal litigation. She will teach Insurance and Constitutional Law and will also be assisting with the upper year civil law moots.

James Penner of the Department of Law at London School of Economics has been appointed Wilbur F. Bowker Visiting Professor of Law, and will be visiting the Faculty during the Fall term during which time he will teach Trusts. He obtained his B.Sc. (Hon.) Genetics from the University of Western Ontario, his LL.B. from the University of Toronto and his D.Phil from University College, Oxford. He is the author of *The Idea of Property in Law* for which he received the 1997 Society of Public Teachers of Law First Prize for Outstanding Scholarship by a Younger Scholar. His most recent book is *The Law of Trusts*.

John McLaren is planning to spend two weeks as a Wilbur F. Bowker Visiting Professor in the Fall Term. He joined the Faculty of Law at the University of Victoria as Lansdowne Professor of Law in 1987, and has served as Dean of Law at the Universities of Windsor and Calgary. His major areas of interest are tort law, insurance law, Canadian legal history, social history of the law, legal education, and legal theory.

Twelve judges from Taiwan visited the Faculty of Law in the summer led by **Mr. Justice Kuo-Hung Hsu**, Presiding Judge of the Taiwan High Court. The group also included other high court judges, the President of the Kaohshing District Court, the President of the Pingtung District Court, the Presiding

Judge of the Tainan District Court, and other district court judges. **The Delegation on Legal Education** which includes several faculty members of the Hebei College for the Cadre of Politics and Law, which trains judges, prosecutors and officers of the Judicial Departments of China, will be visiting the Law Faculty in September to learn how legal education is being provided. **Dean S.K. Verma**, the first woman Dean at the at the University of Delhi, will also be visiting the Law Faculty in September. **The Honourable Mr. Justice Michel Bastarache** of the Supreme Court of Canada will deliver an address at the Law Faculty in November.

Len Rotman, who joined our Faculty in 1996 as a term professor, has accepted a tenure track appointment at the University of Windsor. During the last two years he completed his S.J.D. from the University of Toronto, published *Parallel Paths: Fiduciary Doctrine & the Crown-Native Relationship in Canada* and is co-editor of *Aboriginal Legal Issues: Cases Materials and Commentary*.

Bruce Ziff has returned from a sabbatical at the University of Virginia faculty of Law where he was Scholar-in-Residence. During his leave he was preparing a monograph on the Leonard Foundation Trust. **Jim Robb** has returned following a leave in which he served as senior counsel to the Legal Aid Youth Office. **Tim Christian** will be away on a one year leave. **June Ross** will be taking a one year sabbatical leave, during which she will assist in the development of the Canadian Forum on Civil Justice and pursue her research in the area of the *Charter*.

Reunion Weekend

In conjunction with the University of Alberta Reunion Weekend, the Faculty of Law will be organizing a tour of the Law Centre followed by an alumni lunch on Saturday, October 3, 1998. The Law Centre has undergone major changes over the last two years with the renovation to the Eldon Foote Moot Courtroom, the opening of the Brenda and David McLean Reading Room and the CN Multi-media Room and the technological refit of McLennan Ross Hall.

A guided tour of the Law Centre will begin at 11:00 a.m. Following the tour, Dean Klar will host a lunch at 11:30 a.m. to which all alumni are invited. Please RSVP to Catherine Miller at 492-5953 for the lunch.

Also taking place, Saturday, October 3, is the Gala Dinner and Dance, 6:00 p.m. - 1:00 a.m. (cocktails 6:00 p.m.; dinner 7:00 p.m. followed by dancing) at the Shaw Conference Centre (formerly the Edmonton Convention

Centre); Reservations for this event should be made through the Office of Alumni Affairs, U of A, 492-3224.

In addition to the Reunion Weekend events, a number of individual class reunions are being organized. Alumni interested in participating in these class reunions may contact either the planning committee members or Catherine Miller, Alumni Relations and Development, at the Faculty of Law 492-5953 for further information.

Class Reunions 1998

Class	Contacts	Date	Venue	Event
1938	Edward Bredin	Saturday, October 3rd	Faculty Lounge, Law Centre	Dean's Luncheon
1948	Peter Owen	Friday, October 2nd	Mayfair Golf & Country Club	Dinner
1953	A.O. Ackroyd Norman Witten	Saturday, October 3rd	Mayfair Golf & Country Club	Dinner
1958	Hon. Tellex Gallant Hon. Allan Wachowich	Friday, October 2nd	Alumni House, U of A	Cocktails & Dinner
1968	Eleanor Boddy Dennis Thomas Ed Frost Herve Durocher	Saturday, September 26th	MacDonald Hotel Mayfair Golf & Country Club	Brunch at 10:00 a.m. Dinner at 6:30 p.m.
1978	Charlie Gardner Joan Riddle Hon. Colleen Kenny	Friday, October 2nd	Mayfair Golf & Country Club	Beer Social at 7:00 p.m.
1988	Ted Feehan	Friday, September 25th Saturday, September 26	Law Centre The Billiard Club 10505 - 82 Avenue	FABS at 5:00 p.m. 6:00 p.m.
1993	Jeffrey Chow	TBA	TBA	TBA

Commercialization of Genetic Research

Over the past decade we have witnessed unprecedented advances in the science of human genetics. This "genetic revolution" has already provided us with a greater understanding of human biology and disease and, more importantly, a growing arsenal of clinical genetic services. The development and dissemination of genetic technology will depend greatly on the involvement of the private sector. Indeed, it has been predicted that 2001 will mark the beginning of the "biotech century" - a time when biotechnology emerges as a dominant economic force.

The Health Law Institute is hosting the *Second International Conference on DNA Sampling: The Commercialization of Genetic Research: Legal, Ethical and Policy Issues* on September 10-13, 1998. The conference will examine the many issues associated with this broad commercialization process. For example, given the economic benefits connected with the biotech industry, how should the commercialization process be regulated? What are the benefits and problems with the current patent system as it relates to genetic "inventions"? What will be the impact of commercialization on the health care system and on the relationship between the researcher and student, the physician and patient, and the researcher and industry? And, perhaps most importantly, what role will commercial forces play in social definition of disease, disability and normalcy?

The conference faculty is truly international and interdisciplinary. The first keynote presentation will be provided by Dr. John Bell, Nuffield Chair of Medicine, Oxford University. Other international participants include: Robert Cook-Deegan, Director, National Cancer Policy Board, National Academy of Sciences, U.S.A; Hank Greely, Professor, Stanford Law School and Co-Director Program in Genomics, Ethics and Society; Linda Neilsen, Faculty of Law, University of Copenhagen and Director, Danish Council of Ethics; Joseph Straus, Professor of Law, Max Plank Institute, and Chair, Human Genome Organization (HUGO), Intellectual Property Committee, Germany; and, Gert-Jan van Ommen, Leiden University and President of HUGO.

The Conference is Chaired by Tim Caulfield, Research Director of the Health Law Institute. The Co-Chairs are Professor Bartha Maria Knoppers, University of Montreal, and Dean Lorne Tyrrell, Faculty of Medicine, University of Alberta. Funding for the event has been generously provided by a diverse group of organizations and companies, including: Merck Frosst Inc., Justice Canada, the Alberta Heritage Foundation for Medical Research, Medical Science Systems, Glaxo Wellcome Canada, the University of Alberta Conference Fund, the Faculties of Law, and Medicine and Oral Health Sciences at the University of Alberta, Stanford University Program in Genomics, Ethics and Society, the

Université de Montréal, the Genetics and Society Program, the United States Department of Energy, Bennett Jones Verchere, Field Atkinson Perraton, the Medical Research Council of Canada, the University of Calgary, the Industry Liaison Office at the University of Alberta, and the Canadian Breast Cancer Research Initiative.

The Commercialization of Genetic Research

September 10-13, 1998

For more information or to receive a registration form, please contact Nina Hawkins, Conference Administrator, Health Law Institute, University of Alberta, Edmonton, Alberta T6G 2H5; Phone (403) 492-8343; Fax (403) 492-9575; email: nhawkins@law.ualberta.ca

Universal Rights & Human Values

This year marks the 50th Anniversary of the UN Universal Declaration of Human Rights. It is also the 25th anniversary of the Alberta Human Rights Commission and the 20th Anniversary of the Canadian Human Rights Commission.

To commemorate these anniversaries, an International Human Rights Conference will be held in Edmonton from November 26 to 29, 1998. *Universal Rights & Human Values: A Blueprint for Peace, Justice and Freedom* underscores the global significance of the Universal Declaration in which it can properly be said all modern human rights documents have their roots. As Jack O'Neill, the co-chair of the Conference explains, the Conference will "help refocus the world on the document which will help us all treat one another with respect and dignity." As Professor Gerald Gall, one of the organizers of the Conference explains, "We are inviting human rights teachers, activists, and workers to learn from persons respected for their human rights activity, especially persons who have experienced real life challenges to these rights."

The principal guests and speakers at the Conference will be Her Excellency Mary Robinson, the United Nations High Commissioner for Human Rights and The Most Reverend Desmond M. Tutu, Archbishop Emeritus, Chairman, Truth and Reconciliation Commission, South Africa and Nobel Laureate. Both will be speaking at a banquet to be

held in their honour on Friday, November 27 at the Shaw Conference Centre. The Right Honourable Antonio Lamer, the Chief Justice of Canada will also be in attendance. The Honourable Anne McLellan, Minister of Justice and former law professor and Acting Dean at the Faculty of Law, will be delivering the opening address on "The Declaration 50 Years Later: Vision and Reality."

Edmonton will be the host to speakers from different parts of Canada and the United States, as well as Mali, Indonesia, South Africa, the Philippines, China, Liberia, Brazil and Guatemala. The speakers include representatives of government, academics, and human rights activists. This Conference is

the major event in Canada to be commemorating this key anniversary. It is an event not to be missed.

The Conference is sponsored by the Canadian Human Rights Foundation, a non-profit, non-governmental organization, dedicated to the defence and promotion of human rights through education and the support of training and development initiatives in Canada and abroad. The Conference is co-sponsored by many agencies across Canada, including The Faculty of Law and The Centre for Constitutional Studies at the University of Alberta.

Universal Rights & Human Values: A Blueprint for Peace, Justice and Freedom

November 26-28, 1998

For more information or to receive a registration form for the banquet or the Conference, please telephone (403) 453-2638, fax (403) 482-1519, e-mail hrc@tnc.com or visit the website www.tnc.com/hrc. If you are interested in becoming a volunteer for the Conference, please ask for Linda or Susan.

Alumni & Friends of the Faculty of Law Association



Alumni and Friends President, Ray Hansen ('81) and The Hon. Roger Kearns ('56) at the Victoria Alumni and Friends Reception

The Alumni and Friends of the Faculty of Law Association held its inaugural meeting March 24, 1998. Following the meeting, an executive was formed from those who volunteered at the meeting and others. The executive will meet in the early fall to plan programming and set priorities for the year.

As part of the endeavour to reach out to our alumni and friends, the Faculty organized alumni receptions in Ottawa and Toronto in November 1997. We also hosted alumni receptions in Vancouver and Victoria in June 1998, with Dean Lewis Klar, Ray Hansen and Catherine Miller in attendance.

After meetings in Ottawa, Vancouver and Victoria, our alumni and friends decided to establish branches in their cities, and we will be helping them organize local executive committees. This fall, we will be meeting with alumni in both Toronto and Calgary in order to organize branches there as well.

EXECUTIVE AND COMMITTEES

President	Ray Hansen ('81) General Counsel, Syncrude Canada Ltd., Fort McMurray
1st. Vice-President	Gordon Barr Q.C. ('77) Barr Picard, Edmonton
2nd. Vice-President	Janice Ayotte ('95), Edmonton
Secretary	Jack Watson Q.C. (Sask. '72), Edmonton
Treasurer	Janet Franklin Q.C. ('73), Edmonton
Programming Committee	Hon. Brian Burrows, Edmonton
Career Liaison Committee	Brian Grindy (Edmonton), Michael Sondermann (Calgary) Greg Turner (Edmonton)
Communication	Doug Mah (Edmonton), Jack Watson (Edmonton)
Fundraising	Frank Layton (Edmonton) Francis Saville (Calgary)

You are invited to attend a
TRIBUTE DINNER
in honour of the life and work of the late



DAVID CARGILL McDONALD
Alberta Court of Appeal

WESTIN HOTEL, NOVEMBER 3, 1998

Cocktails at 5:30pm Dinner at 6:30pm
Black tie/Business Suit

A silent auction will be held during the evening containing over two dozen items, including works by Justice Bill Sinclair and Irene Klar. Proceeds from the Dinner and Auction will fund McDonald Endowment projects, and in particular, the annual *McDonald Constitutional Law Lecture*.

This will be a light-hearted, entertaining evening culminating with a tribute to David delivered by Trevor Anderson (a dear friend of David's, former Dean and currently Professor of Law at the University of Manitoba).

As with any function associated with David McDonald, there will be music and humour (no haggis)!

\$175 per ticket (\$100 tax receipt). For further information, call Sheila Parr 492-5590: fax - 492-4924: email - sparr@law.ualberta.ca RSVP by October 15.

Justice In Action: Visiting Speakers Series 1998-99

The Faculty of Law Visiting Speakers Committee is presenting a diverse and exciting range of speakers this academic year. Our Speakers Series entitled "Justice in Action", focuses on the role of law in pursuing social justice and promoting human rights as well as the many exciting opportunities for lawyers and law students in Canadian society to make a unique contribution to a the creation and invention of a more compassionate, responsible and just era in the Twenty First Century. The speakers will deliver their presentation at the Law Centre at noon, and all alumni and friends of the Law Faculty are invited to participate.

September 29	Dr. Robert W. Zuber, Environmental Justice Advocate, New York City <i>Living Wills and Living Well: The role of law in leaving a legacy of respect, safety, and health for children</i>
October 20	Vivian Manasc, Principal Partner, Manasc Isaac Architects <i>Building a Vision: First Nations Architecture</i>
November 26	David Matas, Officer of the Canadian Section of the International Commission of Jurists <i>Establishing an International Court for Crimes Against Humanity</i>
January 14	Mr. Justice Létourneau, Federal Court of Appeal of Canada Author of: <i>A Dishonoured Legacy: The Lessons of the Somalia Affair</i> <i>The Problems Faced by Modern Day Commissions of Inquiry</i>
January 21	Julie MacFarlane, Director: University of Windsor Mediation Clinic <i>A Law School Based Community Mediation Service: a new face for clinical legal education at the University of Windsor Mediation Clinic</i>
March 11	Marilyn Buffalo, President, Native Women's Association of Canada <i>Seeking Justice for Aboriginal Women in Canada</i>

CALENDAR OF EVENTS

September 10-13	The Commercialization of Genetic Research: Ethical, Legal and Policy Issues Second International Conference on DNA Sampling Hotel Macdonald, Edmonton
October 1	Opening of the newly renovated Eldon D. Foote Moot Courtroom 2nd Floor, Faculty of Law, University of Alberta, 2:00 p.m.
October 1-4	Reunion Weekend University of Alberta
November 3	David Cargill McDonald Tribute Dinner Westin Hotel
November 26-29	Universal Rights and Human Values: A Blueprint for Peace, Justice and Freedom An International Conference to celebrate the 50th Anniversary of the United Nations Universal Declaration of Human Rights Sheraton Grande, Edmonton